



# The Supreme Court of South Carolina

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December 18, 2017

Mr. Frank Furtick, Jr., 00231663  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville SC 29010

Re: Frank Furtick v. State  
Appellate Case No. 2017-001562  
Lower Court Case No. 2015CP4002382

Dear Mr. Furtick:

This responds to your document entitled motion to reopen/notice of appeals which you mailed to the South Carolina Court of Appeals on December 12, 2017.

Please be advised that the Court of Appeals is a court which is subordinate to this Court, and it has no authority to review or otherwise modify or set aside this Court's order dated October 18, 2017. *Cf.* Article V, § 9, of the South Carolina Constitution ("The decisions of the Supreme Court shall bind the Court of Appeals, as precedents."); S.C. Code Ann. § 14-8-210 (decisions of the Court of Appeals are subject to review by the Supreme Court).

If you desire to seek appellate review of this Court's order dated October 18, 2017, then I call your attention to the Rules of the Supreme Court of the United States. These rules are available at [https://www.supremecourt.gov/filingandrules/rules\\_guidance.aspx](https://www.supremecourt.gov/filingandrules/rules_guidance.aspx).

Finally, to the extent that the above document could be construed as a motion seeking relief from this Court, no action will be taken it for two reasons. First, you have not provided a certificate or affidavit of service showing that copy of this document has been served on opposing counsel as required by Rule 240(c)(1) of the South Carolina Appellate Court Rules (SCACR). Second, when you failed to timely serve and file a petition for rehearing regarding this Court's order dated October 18, 2017, the remittitur was sent to the circuit court on November 3, 2017. Rule 221, SCACR. The sending of the remittitur ended appellate jurisdiction over this case. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

cc: Jessica Elizabeth Kinard, Esquire